

HOUSE BILL 2274  
By Brooks (Knox)

AN ACT to amend Tennessee Code Annotated, Title 11, Chapter 3 and Title 55, Chapter 4, Part 1, to enact "The State Park Funding Act of 2004".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as "The State Park Funding Act of 2004".

SECTION 2. Tennessee Code Annotated, Title 11, Chapter 3, is amended by adding Sections 3 through 7 of this act as a new Part 4 thereto.

SECTION 3. (a) There shall be a dedicated fund for the division of parks in the state department of environment and conservation in which all moneys sent to the state treasury from the operation of state park facilities under the control or supervision of the division of parks or in payment of fees, fines, penalties, and forfeitures arising from the laws of this state pertaining to state parks shall be placed. This fund shall constitute a fund known as the "state park fund".

(b) These shall be three (3) categories of state park facilities for the purposes of this act:

(1) Facilities that charge no admission fee;

(2) Areas that are designated historical areas, museum areas, or natural areas;

and

(3) Recreation and lodging for fee facilities, including, but not limited to resort facilities, campgrounds, golf courses, hotels, cabins, and inns.

SECTION 4. The state park fund shall only be used for park-related expenditures, including, but not limited to:

- (1) The purchase of lands suitable for state parks;
- (2) The maintenance and upkeep of state parks and all buildings and structures related thereto;
- (3) The construction of suitable buildings, parking lots, and structures necessary for the use and enjoyment of state parks;
- (4) The promotion, advancement, and efficient management of state parks and their resources, including educational activities to that end; and
- (5) Any purpose of or in consequence of this title not otherwise provided for.

SECTION 5. Unless otherwise specified in this part, no part of the funds realized from operations, fees, contraband, fines, penalties, forfeitures, or from any privilege taxes levied under the provisions of this title shall be used for any other purposes than those set out in Section 4, nor shall any part of the state park fund be diverted to the general fund or any other public fund. Likewise, interest accruing on investments and deposits of the state park fund shall be returned to the fund and remain a part of it, and under no circumstances shall such interest be diverted to any other public fund. Any fund balance remaining unexpended at the end of a fiscal year in the state park fund shall be carried forward into the subsequent fiscal year. Any funds generated pursuant to this section, including moneys collected from sales of timber or minerals or mineral rights, shall stay within the parks system and shall not be diverted to the general fund or any other public fund.

SECTION 6. The division of parks through the commissioner of environment and conservation is hereby authorized to assess and collect fees beginning January 1, 2005, in all state parks with the exception of the Tennessee Bicentennial Mall in Nashville, Tennessee, and any other state park that may be certified by the commissioner of the department of environment and conservation not to be suitable for the collection of such fees. Such fees shall be set by the commissioner and shall be based on an amount deemed necessary to make state parks self-sufficient.

SECTION 7. It is the legislative intent that all appropriations which are required for the division of parks be allocated to the state park fund and that the facilities defined in subdivision (3)(b)(3) become financially self-sufficient no later than fiscal year 2007-2008. Funds in excess

of those funds required to fund the facilities defined in subdivision (3)(b)(3) would then be used to reduce the cost of operations of subdivision (3)(b)(2) facilities, and then subdivision (3)(b)(1) facilities. If all such facilities become self-sufficient, all revenues generated pursuant to this act shall then be dedicated to retirement of park bonded indebtedness. In order to evaluate the condition of the state park fund and the division of parks' progress toward self-sufficiency, the division shall submit an annual state park fund report to the general assembly. The report shall be submitted to the general assembly by March 1, 2005, and every March 1 thereafter.

SECTION 8. This act shall take effect July 1, 2004, the public welfare requiring it.